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12 United States of America

13 UNITED STATES DISTRICT COURT
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA
15 SOUTHERN DIVISION

16 UNITED STATES OF AMERICA *ex*
17 *rel.* [UNDER SEAL],

18 Plaintiff[s],

19 v.

20 [UNDER SEAL],

21 Defendant[s].

22 No. SACV 15-00389 DOC (JCGx)

23 STIPULATION REGARDING (1)
24 ELECTION BY THE UNITED STATES
25 AND THE STATE OF CALIFORNIA TO
26 DECLINE INTERVENTION AND (2)
27 UNSEALING OF CASE

28 [FILED UNDER SEAL PURSUANT TO
THE FALSE CLAIMS ACT, 31 U.S.C.
§§ 3730(b)(2) AND (3)]

[LODGED CONCURRENTLY UNDER
SEAL: [PROPOSED] ORDER]

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

16 UNITED STATES OF AMERICA and
17 THE STATE OF CALIFORNIA *ex rel.*
JANE DOE,

18 Plaintiff,

19 || v.

20 THE ENSIGN GROUP, INC., *et al.*,

21 || Defendants.

No. SACV 15-00389 DOC (JCGx)

**STIPULATION REGARDING (1)
ELECTION BY THE UNITED STATES
AND THE STATE OF CALIFORNIA TO
DECLINE INTERVENTION AND (2)
UNSEALING OF CASE**

**[FILED UNDER SEAL PURSUANT TO
THE FALSE CLAIMS ACT, 31 U.S.C.
§§ 3730(b)(2) AND (3)]**

[LODGED CONCURRENTLY UNDER
SEAL: [PROPOSED] ORDER]

The United States, the State of California, and the *qui tam* plaintiff Jane Doe (the “Relator”) stipulate as follows:

The United States, pursuant to the federal False Claims Act, 31 U.S.C. § 3730(b)(4)(B), and the State of California, pursuant to the California False Claims Act, Cal. Gov't Code § 12652(a)(3)(B), decline to intervene in the above-captioned action.

6 Although the United States declines to intervene, 31 U.S.C. § 3730(b)(1) permits
7 the “Relator” to maintain this action in the name of the United States, provided,
8 however, that the “action may be dismissed only if the court and the Attorney General
9 give written consent to the dismissal and their reasons for consenting.” *Id.* The
10 California False Claims Act similarly so provides, Cal. Gov’t Code § 12652(c)(1).
11 Notwithstanding the language of 31 U.S.C. § 3730(b)(1), the Ninth Circuit has held that
12 the United States has the right only to a hearing when it objects to a settlement or
13 dismissal of the action. *United States ex rel. Green v. Northrop Corp.*, 59 F.3d 953, 959
14 (9th Cir. 1995); *United States ex rel. Killingsworth v. Northrop Corp.*, 25 F.3d 715, 723-
15 25 (9th Cir. 1994). Accordingly, should either the relator or the defendants propose that
16 this action be dismissed, settled, or otherwise discontinued, the United States and State
17 of California request that the parties notify the United States and the State of California of
18 the same, and that the Court provide the United States and the State of California with
19 an opportunity to be heard before ruling or granting its approval.

20 Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests
21 service of all pleadings filed in this action; the United States also requests that orders
22 issued by the Court in this action be sent to the United States' counsel. The State of
23 California requests the same. The United States and the State of California reserve their
24 rights to order any deposition transcripts, to intervene in this action at a later date for
25 good cause, and to seek the dismissal of this action or any claims therein. The United
26 States and the States of California also request service of all notices of appeal in this
27 action.

Finally, the United States, the State of California, and the Relator stipulate that the Relator's Complaint, this Notice, and the accompanying proposed Order should be unsealed. The United States, the State of California, and the Relator further stipulate that all other papers filed or lodged to date in this action since the filing of the Complaint should remain permanently under seal because such papers were provided by law to the Court alone for the sole purpose of discussing the content and extent of the United States' investigation, and, thereby, evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order is lodged concurrently herewith.

Respectfully submitted,

Dated: April 8, 2020

HIRST LAW GROUP, P.C.

/s/ Michael A. Hirst

MICHAEL A. HIRST
Attorneys for Relators

Dated: April 8, 2020

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ABRAHAM C. MELTZER
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Attorneys for the United States of America

Dated: April 8, 2020

XAVIER BECERRA
Attorney General of the State of California

RANDY GLASER
Deputy Attorney General
California Department of Justice
Bureau of Medi-Cal Fraud & Elder Abuse
Attorneys for the State of California

Finally, the United States, the State of California, and the Relator stipulate that the Relator's Complaint, this Notice, and the accompanying proposed Order should be unsealed. The United States, the State of California, and the Relator further stipulate that all other papers filed or lodged to date in this action since the filing of the Complaint should remain permanently under seal because such papers were provided by law to the Court alone for the sole purpose of discussing the content and extent of the United States' investigation, and, thereby, evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order is lodged concurrently herewith.

Respectfully submitted,

Dated: April 8, 2020

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Dated: April 8, 2020

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CHARLES E. CANTER
Assistant United States Attorney
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Dated: April 8, 2020

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RANDY GLASER
Deputy Attorney General
California Department of Justice
Bureau of Medi-Cal Fraud & Elder Abuse
Attorneys for the State of California

1 PROOF OF SERVICE BY E-MAIL

2 I am over the age of 18 and not a party to the above-captioned action. I am
3 employed by the Office of United States Attorney, Central District of California. My
4 business address is 300 North Los Angeles Street, Suite 7516, Los Angeles, California
5 90012.

6 On April 8, 2020, I served the STIPULATION REGARDING (1) ELECTION BY
7 THE UNITED STATES AND THE STATE OF CALIFORNIA TO DECLINE
8 INTERVENTION AND (2) UNSEALING OF CASE on each person or entity named
9 below by e-mail.

10 Date of e-mailing: April 8, 2020. Place of e-mailing: Los Angeles, California.

11 Person(s) and/or Entity(s) to whom mailed:

12 Michael A. Hirst
13 michael.hirst@hirstlawgroup.com
14 Hirst Law Group, P.C.
15 200 B Street, Suite A
16 Davis, CA 95616

17 Randy Glaser
18 randy.glaser@doj.ca.gov
19 Office of the Attorney General
20 Bureau of Medi-Cal Fraud & Elder Abuse
21 1455 Frazee Road, Suite 315
22 San Diego, CA 92108

23 I declare under penalty of perjury that the foregoing is true and correct.

24 Executed on April 8, 2020, at Los Angeles, California.

25 
26 CHARLES E. CANTER